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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,942	04/16/2001	Takashi Shoji	Q61182	5374

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EXAMINER

HANNAHER, CONSTANTINE

ART UNIT

PAPER NUMBER

2878

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/834,942

Applicant(s)

SHOJI, TAKASHI

Examiner

Constantine Hannaher

Art Unit

2878

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 July 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-6 and 9.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Constantine Hannaher
Constantine Hannaher
Primary Examiner

Continuation of 5. does NOT place the application in condition for allowance because: the supplied translation of Tonami et al. supports the examiner's position that the element 21 is for enhanced mechanical strength [paragraph 0015] so the attempt by applicant's representative to position this as an assumption is less than persuasive. The argument that an element 21 so transparent that a reflective film in each hole with fluorescent material 24 is suggested [paragraph 0020] is not permeable to the reading electromagnetic wave 7 in Fender et al. is not credible. Applicant's representative ignores the presence of electrode 4 "in contact with or just above the photoreceptor surface" so the argument that the element 21 of Tonami et al. would go there is not persuasive. Furthermore, the proposition that addition of a plate between mirror 6 and substrate 11 in Fender would lead to deleterious refraction is based on an inadequate reading of the reference. Fender et al. is completely prepared for additional layers under substrate 11 in view of the explicit disclosure of "multiaxis translation" at column 3, line 32. Higher rigidity is not speculation, it is an explicit disclosure of Tonami et al., e.g. [paragraph 0022]. With respect to the objection to claim 9, the single word "disposed" is currently considered to provide the barest limitation to the "supporting" of claim 1 although how a base plate might support from the recited side without being disposed on that side is not explained (that is, claim 9 does not distinguish from any reasonable alternative to the claim recitation, so the disposition should be inherent in the supporting). With respect to the information disclosure statement submitted 02 July 2003, evidence of consideration of JP-08306328-A will not be repeated. The crossing out of the citation is completely in accordance with long-established procedure, see MPEP § 609, C(3).